

RCE
1713
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Daniel F. Graves, et al.
For : CO₂ TERMINATED RUBBER FOR PLASTICS
Serial No. : 09/819,336
Filed : March 28, 2001
Group Art Unit : 1713
Examiner : LU, Caixia
Last Office Action : July 11, 2003
Attorney Docket No. : P96040US1A/FIR 2 0020

RECEIVED
JAN 26 2004
TC 1700**SUPPLEMENTAL RESPONSE**

Mail Stop – RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In further support of arguments made in the preliminary amendment filed with the Request for Continued Examination ("RCE") on January 12, 2004 in the above-captioned application, Applicants submit a declaration under 37 CFR §1.132 by Daniel F. Graves, one of the joint inventors.

The declaration distinguishes the polymers disclosed in U.S. Patent No. 3,791,888 to Hudson ("Hudson") from those disclosed and claimed in the present application. In particular, Mr. Graves indicates that the polymers disclosed in Hudson would not have the presently claimed bulk and solution viscosities, nor would they be baleable. A polymer with these properties, such as those disclosed and claimed in the present application, would not be suitable as a binder for use in solid propellants, as required by Hudson.

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this paper and attachment are being deposited with the United States Postal Service as First Class Mail service and is addressed to the Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Cathryn TerchekDate:  January 16 2004

The fact that Hudson discloses molecular weights up to 150,000 is not determinative of viscosity, which is also affected by many other factors, such as the amount of branching and ionic association between polymer chains.

Based on the above and the attached declaration, Applicants submit that all pending claims are patentable over the cited art and request early notification of allowance.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Scott A. McCollister, at (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

Jan 16, 2004
Date

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Attachment: Declaration of Daniel F. Graves